

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*The County of Cuyahoga v. Purdue
Pharma L.P., et al.*,
Case No. 17-op-45004

and

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.*,
Case No. 18-op-45090.

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**NON-RICO SMALL DISTRIBUTORS’
MOTION FOR SUMMARY JUDGMENT
BASED ON THEIR *DE MINIMIS* STATUS**

Pursuant to Federal Rule of Civil Procedure 56, non-RICO Defendants Anda, Inc., H. D. Smith, LLC, H. D. Smith Holdings, LLC, H. D. Smith Holding Company,² Henry Schein, Inc., Henry Schein Medical Systems, Inc., and Prescription Supply Inc. (collectively, the “Small Distributors”) respectfully move the Court for summary judgment. The grounds for this motion are set forth in the accompanying memorandum of points and authorities.

¹ On October 2, 2018, H. D. Smith Holdings, LLC and H. D. Smith Holding Company (the “Holding Companies”) moved to dismiss the Second Amended Corrected Complaint in *The County of Cuyahoga, Ohio, et al. v. Purdue Pharma L.P., et al.*, Case No. 1:17-op-45004 (N.D. Ohio) (based on lack of personal jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2)). ECF No. 1015. Plaintiffs have not filed an opposition, nor has the Court issued a ruling. By joining in any motion in the above-referenced matter, the H. D. Smith Holding Companies are in no way waiving their previously asserted defense that the Court lacks personal jurisdiction over the Holding Companies and must dismiss them from the case pursuant to Fed. R. Civ. P. 12(b)(2).

Dated: June 28, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, John J. Haggerty, certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ John J. Haggerty
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